

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAX PIERSON,

Plaintiff(s),

v.

FORD MOTOR COMPANY,

Defendant(s).

No. C 06-6503 PJH

SCHEDULING ORDER

Before the court is the stipulated request to continue the August 4, 2008 trial date by two weeks. In his declaration, defense counsel states that had he been able to attend the October 11, 2007 case management conference, he would not have agreed to the early August trial date. The record reflects that another attorney appeared for Mr. Kelly at that conference. As both the local rules and this court's standing order require the appearance of **lead counsel** at all case management conferences, the court undoubtedly advised the appearing attorney that absent lead counsel would be bound by any dates set if lead counsel chose not to appear or seek a continuance of the conference and that a conflict with the calendar of a non-appearing lead counsel would not be grounds for continuing a date set at the conference. Thus, the court finds that no good cause for this request has been shown.

Nonetheless, since both parties have apparently agreed to this continuance, the court will reschedule the trial for August 25, 2008, the Monday following the requested August 21, 2008 date. The parties are advised, however, that the court has two other civil trials scheduled for that week. Thus they are giving up a first place position for a third place position. The court has no other two week time slots available until August 2009. This

1 case will trail the two previously scheduled matters for August 25, 2008. Additionally, there
2 are four trials scheduled for September that could impact the court's ability to commence
3 this trial immediately following the conclusion of either of the two matters currently
4 scheduled for August 25, 2008. And, of course, criminal trials that are scheduled on short
5 notice take priority over all civil matters.

6 With this understanding of the court's schedule, the stipulated request to continue
7 the trial date is GRANTED. The trial is continued to August 25, 2008, at 8:30 a.m. The
8 pretrial conference is continued to July 24, 2008, at 2:30 p.m. The deadlines for pretrial
9 filings set forth in the October 15, 2007 amended case management and pretrial order is
10 unchanged.

11 **IT IS SO ORDERED.**

12 Dated: June 3, 2008



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14 PHYLLIS J. HAMILTON
15 United States District Judge
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